

HOUSE

AMENDMENT NO.\_\_\_\_

Offered by

\_\_\_\_ of \_\_\_\_\_

1 AMEND House Committee Substitute for House Bill No. 441, Page 15,  
 2 Section 195.017, Line 493, by deleting all of said line and  
 3 inserting in lieu thereof the following:

4 "(3) Any material, compound, mixture or preparation which  
 5 contains any quantity"; and

6 Further amend said bill, Page 15, Section 195.017, Line 496,  
 7 by deleting all of said line and inserting in lieu thereof the  
 8 following:

9 "(4) Any compound, mixture, or preparation containing any  
 10 detectable quantity of"; and

11 Further amend said bill, Page 15, Section 195.017, Line 506,  
 12 by deleting all of said line and inserting in lieu thereof the  
 13 following: "for sale only from behind a checkout counter where  
 14 the public is not permitted, and only by a"; and

15 Further amend said bill, Page 16, Section 195.017, Lines 530

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Action Taken \_\_\_\_\_

Date \_\_\_\_\_

1 and 531, by deleting all of said lines and inserting in lieu  
2 thereof the following:

3 "15. Within thirty days of the enactment of this section,  
4 any business entity which sells ephedrine or pseudoephedrine  
5 products in the course of legitimate business which is in the  
6 possession of pseudoephedrine and ephedrine products, and which  
7 does not have a state and federal"; and

8 Further amend said bill, Page 16, Section 195.017, Lines 536  
9 and 537, by deleting all of said lines and inserting in lieu  
10 thereof the following:

11 "17. The scheduling of substances specified in subdivision  
12 (4) of subsection 10 of this section and subsections 11, 12, 14,  
13 and 15 of this section shall not apply to any compounds,  
14 mixtures, or preparations that are in liquid or"; and

15 Further amend said bill, Page 17, Section 195.417, Lines 1  
16 to 32, by deleting all of said lines and inserting in lieu  
17 thereof the following:

18 "195.417. 1. [No person shall deliver in any single over-  
19 the-counter sale more than:

20 (1) Two packages or any number of packages that contain a  
21 combined total of no more than six grams of any drug containing a  
22 sole active ingredient of ephedrine, pseudoephedrine,  
23 phenylpropanolamine, or any of their salts, optical isomers, or  
24 salts of optical isomers; or

1           (2) Three packages of any combination drug containing, as  
2 one of its active ingredients, ephedrine, pseudoephedrine,  
3 phenylpropanolamine, or any of their salts, optical isomers, or  
4 salts of optical isomers, or any number of packages of said  
5 combination drug that contain a combined total of no more than  
6 nine grams of ephedrine, pseudoephedrine, phenylpropanolamine, or  
7 any of their salts, optical isomers, or salts of optical isomers.

8           2. All packages of any drug having a sole active ingredient  
9 of ephedrine, pseudoephedrine, phenylpropanolamine, or any of  
10 their salts, optical isomers, or salts of optical isomers, shall  
11 be displayed and offered for sale only behind a checkout counter  
12 where the public is not permitted, or within ten feet and an  
13 unobstructed view of an attended checkout counter. This  
14 subsection shall not apply to any retailer utilizing an  
15 electronic antitheft system that utilizes a product tag and  
16 detection alarm which specifically prevents the theft of such  
17 drugs from the place of business where such drugs are sold.] The  
18 limits specified in subsection 2 of this section shall not apply  
19 to any quantity of such product, mixture, or preparation  
20 dispensed pursuant to a valid prescription.

21           2. Within any thirty-day period, no person shall sell,  
22 dispense, or otherwise provide to the same individual, and no  
23 person shall purchase, receive, or otherwise acquire more than  
24 the following amount: any number of packages of any drug product

1 containing any detectable amount of ephedrine or pseudoephedrine,  
2 or any of their salts or optical isomers, or salts of optical  
3 isomers, either as:

4 (1) The sole active ingredient; or

5 (2) One of the active ingredients of a combination drug; or

6 (3) A combination of any of the products specified in  
7 subdivisions (1) and (2) of this subsection;

8  
9 in any total amount greater than nine grams.

10 3. All packages of any compound, mixture, or preparation  
11 containing any detectable quantity of ephedrine or  
12 pseudoephedrine, or any of their salts or optical isomers, or  
13 salts of optical isomers, except those that are excluded from  
14 Schedule V in subsection 17 or 18 of section 195.017, shall be  
15 offered for sale only from behind a checkout counter where the  
16 public is not permitted, and only by a registered pharmacist or  
17 registered pharmacy technician under section 195.017.

18 [3.] 4. This section shall supersede and preempt any  
19 [municipal] local ordinances or regulations [passed on or after  
20 December 23, 2002, to the extent that such ordinances or  
21 regulations are more restrictive than the provisions of this  
22 section], including any ordinances or regulations enacted by any  
23 political subdivision of the state. This section shall not apply  
24 to [any product labeled pursuant"; and

1 Further amend said bill, Page 18, Section 195.417, Line 46,  
2 by deleting all of said line and inserting in lieu thereof the  
3 following: "ephedrine its salts or optical isomers, or salts of  
4 optical isomers shall maintain logs, documents,"; and

5 Further amend said bill, Page 18, Section 195.417, Line 48,  
6 by deleting all of said line and inserting in lieu thereof the  
7 following: "preparations that are excluded from Schedule V"; and

8 Further amend said bill, Page 18, Section 195.417, Lines 55  
9 and 56, by deleting all of said lines and inserting in lieu  
10 thereof the following: "offer for sale pseudoephedrine and  
11 ephedrine products, except those that are excluded from Schedule  
12 V in subsection 17 or 18 of section"; and

13 Further amend said bill, Pages 18 and 19, Section 195.417,  
14 Lines 66 to 71, by deleting all of said lines and inserting in  
15 lieu thereof the following:

16 "8. The provisions of subsection 2 of this section limiting  
17 individuals from purchasing the specified amount in any thirty-  
18 day period shall not apply to any compounds, mixtures, or  
19 preparations that are in liquid or liquid-filled gel capsule  
20 form. However, no person shall purchase, receive, or otherwise  
21 acquire more than nine grams of any compound, mixture, or  
22 preparation excluded in subsection 17 or 18 of section 195.017,  
23 in a single purchase as provided in subsection 2 of this  
24 section."; and

1           Further amend said title, enacting clause and intersectional  
2   references accordingly.